

United States Bankruptcy Court

JAN 2 1990

IN RE: For the NORTHERN District of IOWA

WALTER RONALD BURNETTE
CATHERINE L. BURNETTE

S. KRIS BANDAL, aka Kris Bandal

Plaintiff

v.

WALTER RONALD BURNETTE
CATHERINE L. BURNETTE

Defendants

BARBARA A. EVERLY, CLERK

Case No. L-88-01044W

Adversary Proceeding No. L-88-0245W

JUDGMENT

☒ This proceeding having come on for trial or hearing before the court, the Honorable Michael J. Melloy, United States Bankruptcy Judge, presiding, and the issues having been duly tried or heard and a decision having been rendered,

[OR]

☐ The issues of this proceeding having been duly considered by the Honorable Michael J. Melloy, United States Bankruptcy Judge, and a decision having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED: Judgment is entered against the Defendant Walter Ronald Burnette and in favor of the Plaintiff S. Kris Bandal, as follows:

The Judgment previously entered against the Defendant and in favor of the Plaintiff by the Second Judicial District, District Court, County of Ramsey, State of Minnesota, in the sum of \$119,650, plus interest at the rate of 15% per annum, from November 22, 1980, is determined to be nondischargeable.



[Seal of the U.S. Bankruptcy Court]

Date of issuance: January 2, 1990

BARBARA A. EVERLY

Clerk of Bankruptcy Court

By: Patricia M. Sauer

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

JAN - 2 1990

Chapter 7
BANKRUPTCY NO.

BARBARA A. EVERLY, CLERK

IN RE:

WALTER RONALD BURNETTE
CATHERINE L. BURNETTE

L 88-01044W

S. KRIS BANDAL,
aka Kris Bandal,

ADVERSARY NO.

Plaintiff,

L-88-0245W

v.

WALTER RONALD BURNETTE and
CATHERINE L. BURNETTE,

Defendants.

ORDER RE: Motion for Summary Judgment

The Plaintiff's Motion for Summary Judgment came on for telephonic hearing on December 29, 1989. Appearing for the Plaintiff was attorney Michael Hamilton; appearing for the Defendants was attorney Robert Thompson.

There was no written objection to the Motion for Summary Judgment filed by the Defendant. At the telephonic hearing, the attorney for the Defendant, Walter Ronald Burnette, advised the Court and opposing counsel that the Defendants had no objection to the Court entering judgment in favor of the Plaintiff as to the award of compensatory damages made in the state court judgment entered by Ramsey County District Court, but did object to a finding that any punitive damages were nondischargeable.


The Court indicated that judgment would be entered as to

the compensatory damage aspect of Plaintiff's complaint, finding that those compensatory damages were nondischargeable. The Court indicated that the issue of whether the Motion for Summary Judgment should be granted as to the punitive damages would be taken under advisement. The parties are to advise the Court in two weeks as to whether they have been able to resolve the dispute as to the punitive damage aspect of the complaint.

IT IS THEREFORE ORDERED that the Plaintiff's Motion for Summary Judgment is granted as to that portion of the Judgment and Decree entered by the Second Judicial District, County of Ramsey, State of Minnesota, finding the Defendant, Walter R. Burnette, to be liable to the Plaintiff, S. Kris Bandal, in the sum of \$119,650, plus 15% interest, from and after November 22, 1980. That indebtedness is determined to be nondischargeable pursuant to 11 U.S.C. § 523(a)(2).

IT IS FURTHER ORDERED that the Court has taken under advisement that portion of the Motion for Summary Judgment which requests the Court find that the award of punitive damages made by the Second Judicial District, County of Ramsey, State of Minnesota, in the sum of \$100,000, be determined to be nondischargeable.

ORDERED January 2, 1990


MICHAEL J. MELLOY
Chief Bankruptcy Judge

Copies to: *(w/ Judgment)*
Michael G. Hamilton,
Atty for Plaintiff;
Robert Thompson,
Atty for Defendants;
U.S. Trustee;
this January 5, 1990
Patricia M. Saenger
Deputy Clerk
P.O. Box 74890
Cedar Rapids, Iowa 52407